

## **REMARKS**

Claims 4, 6, 8, and 13-20 are withdrawn from consideration. Claims 1, 5, 10, 11, and 22 are rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent Number 6,286,794 to Harbin (hereinafter “Harbin”). Claim 21 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Harbin. Claims 1, 5, 22, and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Number 6,945,412 to Felcman et al. (hereinafter “Felcman”) in further view of United States Patent Number 6,783,105 to Oddsen (hereinafter “Oddsen”).

For the Examiner’s convenience and reference, Applicants’ remarks are presented in substantially the same order in which the corresponding issues were raised in the Office Action. Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references.

Applicants request that the amendment to claim 5 be allowed so that claim 5 depends from a pending claim.

### **Response to rejections of claims under 35 U.S.C. § 102(b).**

Claims 1, 5, 10, 11, and 22 are rejected under 35 U.S.C. § 102(b) as being anticipated by Harbin. Applicants respectfully traverse this rejection.

Claim 1 is amended to include the limitation of “a mounting mechanism that connects the

upper support to the lower support and allows the upper support and the lower support to transition between an access position and a vertical storage position...” Claim 1. In contrast, Harbin only teaches the access position for a computer workstation. Harbin, Fig. 1, Ref. 74. Harbin does not teach transitioning between an access position and a vertical storage position nor does Harbin disclose a vertical storage position. Because Harbin does not teach each element of claim 1, Applicants assert that claim 1 is allowable. Applicants submit that claims 5, 10, 11, and 22 are allowable as depending from allowable claim 1.

Response to rejections of claims under 35 U.S.C. § 103(a)

Claim 21 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Harbin. Claims 1, 5, 22, and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Felcman in further view of Oddsen. Applicants respectfully traverses these rejections.

With regards to claim 21, Applicants submit that the claim is allowable as depending from the allowable claim 1. As to claim 1, claim 1 includes the limitations of “a mounting mechanism that connects the upper support to the lower support and allows the upper support and the lower support to **transition between an access position and a vertical storage position...**” and “**...the vertical storage position is outside of the computer equipment rack and places the upper support and lower support behind a face of the computer equipment rack...**” Claim 1, emphasis added.

In contrast, Felcman teaches a horizontal access position and a horizontal storage position *within* the computer equipment rack. Felcman, Figs. 5 and 6. Felcman does not disclose

*transitioning between an access position and a vertical storage position with the vertical storage position outside of the computer equipment rack and placing the upper support and lower support behind a face of the computer equipment rack.*

Oddsen teaches a telescoping arm for positioning an electronic component in vertical positions. Oddsen, Abstract; Figs 1-4. However, Oddsen does not teach *transitioning between an access position and a vertical storage position with the vertical storage position outside of the computer equipment rack and placing the upper support and lower support behind a face of the computer equipment rack*. Oddsen does not disclose a computer equipment rack, and therefore cannot teach placing a vertical storage position outside of the computer equipment rack with upper and lower supports behind the face of the rack.

Combined, neither Felcman nor Oddsen disclose the elements of transitioning between an access position and a vertical storage position with the vertical storage position outside of the computer equipment rack and placing the upper support and lower support behind a face of the computer equipment rack. Applicants therefore assert that claim 1 is allowable. Applicants further submit that claims 5, 22, and 23 are allowable as depending from allowable claim 1.

As a result of the presented remarks, Applicants assert that claims 1, 5, 10, 11, and 21-23 are in condition for prompt allowance. Should additional information be required regarding the traversal of the rejections of the claims enumerated above, Examiner is respectfully asked to notify Applicants of such need. If any impediments to the prompt allowance of the claims can be resolved by a telephone conversation, the Examiner is respectfully requested to contact the

undersigned.

Respectfully submitted,

\_\_\_\_/Brian C. Kunzler/\_\_\_\_

Brian C. Kunzler  
Reg. No. 38,527  
Attorney for Applicant

Date: October 10, 2006  
8 East Broadway, Suite 600  
Salt Lake City, UT 84111  
Telephone (801) 994-4646  
Fax (801) 531-1929